

MINUTES  
TOWN OF FREDERICK  
BOARD OF TRUSTEES  
Frederick Town Hall  
March 23, 2010  
7:00 p.m.

Attendance: Mayor Eric Doering, Mayor Pro Tem Wedel, Trustees Gerry Pfirsch, Tony Carey, Liberta Hattel, Jim Wollack and Amy Schiers. Also present were Town Administrator Derek Todd, Town Clerk Nanette Fornof, and Town Planner Jennifer Simmons. Audience was also present.

**ROLL CALL** Mayor Doering called the regular meeting to order at 7:00 p.m.; role call was taken and all Trustees were present.

**PLEDGE OF ALLEGIANCE** Mayor Doering led the audience in the Pledge of Allegiance.

**ADDITIONS OR DELETIONS TO THE AGENDA** AM 2010-038, Consideration of Contract with Waste Connections for Residential Refuse and Recycle Service was added to tonight's agenda.

**PUBLIC COMMENT**

**Mike Schiers and Theresa Randolph** representatives for the Frederick High School Booster Club, asked the Board of Trustees to be a sponsor for the After Prom Event. This year Junior and Senior students were challenged to raise money for this event. Motion by Trustee Wollack to donate \$500 to the Frederick High School Booster Club, Trustee Carey seconded the motion and motion carried unanimously.

**St Vrain School District Commissioner Mike Schiers** provided the Board of Trustees with drawings of the proposed new Frederick High School building. The building construction will begin soon; a preliminary ground breaking event is scheduled for May 24, 2010. The building will be constructed for new technology, a newly designed parking/school bus pick up/drop off location and the shell of the building will be constructed to hold 2,000 students.

**STAFF REPORTS**

**Administrative Report** Town Administrator, Derek Todd, provided the Board with the Administrative Report which highlighted the following items: Community Surveys, Third Grade Tours, Frederick Recreation Area, Items for the Calendar, Congressman Jared Polis Visit, Spring Clean-up Day, Business After Hours and the Annual Fishing Clinic. The Administrative Services Department provided information from the Finance Division, Human Resources Division and the Records and Elections Divisions. The Engineering Department provided information about Aggregate

Boulevard Ditch Culvert Replacement, Street Signs, Milavec Lake Enlargement Storage Filing and Northern Integrated Supply Project (NISP). The Planning Department provided information regarding the Parks, Open Space and Trails Master Plan Project, Milavec Lake Aeration and Development Update. Information from the Police Department was provided; Legacy Elementary Summer Program, Drug Recognition Training and Weather Radios.

**Town Attorney Report** Town Attorney Rick Samson provided the Board of Trustees with a written Status Report. Due to weather Town Attorney Samson was not available to pose any questions.

## **ACTION AGENDA**

**AM 2010-035, To Consider an Ordinance Amending the Frederick Municipal Code – Utility Billing Water Shut Offs** At the direction of the Town Administrator, a task force was formed to provide additional analysis and to assess the overall efficiency and effectiveness of the water shut-off policy and procedures. The task force presented information, at the February 23, 2010, Board Meeting, about the history and effectiveness of the Town's water shut off policy.

A Water Shut off Analysis provided information that included the average amount of customers that have been shut off; over a 26 month period, 55 customers per month (which equates to approximately 1.7% of total customer accounts serviced by the Town in total). Copies of the Late and Shut Off notices were also provided for Board review. There are approximately 250-300 shut off notices sent out every month. Seventy-eight percent of the customers receiving the shut off notice end up paying their bill within the time frame allotted before termination of the water service. The Town ends up shutting off approximately 55 customers per month.

In presenting the general information, analysis, and history of the water shut off policy, this allowed for the Board and staff to come up with four alternatives and areas to potentially modify the water shut off policy and procedures. These alternatives included creating an additional "door hanger" notice to customers that have a past due amount of thirty (30) days or more, providing the Town Administrator with discretion to turn on water if situations warrant, including an additional emergency turn on fee, and restoring water service if the delinquent bill is paid the same day. After a lengthy discussion the Board directed staff to amend the Water Service portion of the Frederick Municipal Code to include the verbiage "water service will be restored no later than the next business day". The proposed ordinance included the recommended language.

Mayor Pro Tem Wedel made a motion to adopt Ordinance #1037, AN ORDINANCE OF THE TOWN OF FREDERICK COLORADO, AMENDING THE TOWN OF FREDERICK MUNICIPAL CODE, 1992 THROUGH ADOPTION OF REVISED TOWN UTILITY FEE COLLECTION PRACTICES; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH, with an amendment. The amendment was to change the noon payment cut off period to 5p.m. Trustee Pfirsch seconded the

motion and motion carried unanimously.

**AM 2010-029, To Consider a Youth Advisory Commission Member, AM 2010-028, To Consider a Parks and Open Space Commission Member – Jerry Borger, AM 2010-027, To Consider a Parks and Open Space Commission Member – Geoff Givvons** Due to weather conditions, Trustee Carey made a motion to table all three appointments to the April 13, 2010, Board meeting. Mayor Pro Tem Wedel seconded the motion and motion carried unanimously.

**AM 2010-36, Consider Ordinance Addressing Public Safety Radio Amplification System** The proposed amendment to the Frederick Municipal Code incorporates resolutions to certain recently-identified emergency communication concerns that weren't currently addressed in the Town Fire Code. Motion by Mayor Pro Tem Wedel to adopt Ordinance #1038, AN ORDINANCE OF THE TOWN OF FREDERICK COLORADO, AMENDING THE FREDERICK BUILDING CODE, AS INCORPORATED IN THE TOWN OF FREDERICK MUNICIPAL CODE, 1992 AS ARTICLE 1, CHAPTER 18, Trustee Wollack seconded the motion and motion carried unanimously.

**AM 2010-031, To Consider an Agreement with the Northern Colorado Water Conservancy District for Participation in the Northern Integrated Supply Project** In the beginning of 2008, Frederick assumed Berthoud's 1,300 share interest in NISP and on December 8, 2009, Frederick formalized the transfer of 1,300 shares of Central Weld County Water District's (CWCWD) interest in NISP to the Town. Both of these actions were subject to the Fourth Interim Agreement with NCWCD. The interim agreements with NCWCD specify the amounts that each of the participants will be expected to pay to continue their participation in NISP. The proposed Fifth Interim Agreement defines Frederick's cost to participate in Phase 3A of the project is \$97,500. Phase 3A consists of a continuation of the permitting work associated with NISP, addressing public comments made on the Draft EIS, and work in support of the public information effort for NISP. Motion by Trustee Wollack to enter into the Fifth Interim Agreement with the Northern Colorado Water Conservancy District, Northern Integrated Supply Project Water Activity Enterprise, for Participation in the Northern Integrated Supply Project, motion was then seconded by Mayor Pro Tem Wedel. Motion carried unanimously.

**AM 2010-032, To Consider Approving a Contract with Winston Associates for Work to be Completed on the Parks, Open Space and Trails Master Plan** The Board of Trustees has designated the completion of a Parks, Open Space, and Trails Master Plan as a priority task to be completed during 2010. In order to accomplish this task, the 2010 budget includes \$50,000 to use with grant funds received from Great Outdoors Colorado (GOCO). Together, the funds will be used to pay a consultant to complete the study. Thirteen firms submitted responses to a Request for Proposals (RFP) and six of those firms were interviewed. Following the interview process, Winston Associates was offered the opportunity to work for the Town on this project. Winston Associates has reviewed the attached contract and submitted the list of deliverables in Exhibit A. The

list of deliverables fully addresses requirements outlined in the RFP and the statements made to GOCO in applying for the grant.

Paul Hange, representative of Winston Associates was present for any questions or comments.

Motion by Trustee Wollack to approve the proposed Contract between the Town of Frederick and Winston Associates, Inc. Trustee Schiers seconded the motion and motion carried unanimously.

**AM 2010-038, Consideration of Contract with Waste Connections for Residential Refuse and Recycle Service** The Board will be considering the contract with Waste Connections to provide weekly refuse and recycling collection at all residential units within the annexed town limits. The bidding process, negotiations and contract executed in fall of 2008. The contract included a 96-gallon refuse tote and a 32-gallon recycling tote to be provided to each residential unit. Negotiations for the new contract period commenced late last year and have recently been completed with both parties agreeing on a single price for the service being provided. The Board discussed diesel fuel surcharge, and the monthly charge of \$9.65 per month, per residential unit. After a lengthy discussion Mayor Pro Tem Wedel made a motion to accept the contract with Waste Connections, at the \$9.65 per month, per residential unit and to direct staff to define the diesel fuel surcharge, Trustee Pfirsch seconded the motion and motion carried unanimously.

### **CONSENT AGENDA**

Motion by Trustee Wollack to approve the Consent Agenda with the following items; AM 2010-030, Consideration of Lease between the Town of Frederick and Civil Resources, AM 2010-033, Consider Resolution 10R016, A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO, ACCEPTING CDOT QUIT CLAIM DEED FOR PUBLIC RIGHT OF WAY AT THE WELD COUNTY ROAD 13 AND COLORADO HIGHWAY 52, and AM 2010-037, To Provide a Release of Liability Letter to Sage Ecological for the Wetlands Prescribed Burn Operation. The motion was then seconded by Trustee Pfirsch, motion carried unanimously.

**Approval of List of Warrants for March 23, 2010** Motion by Trustee Carey to approve the March 23, 2010, List of Warrants, and Trustee Wollack seconded the motion and motion carried unanimously.

**AM 2010-034, Extending the Terms of the Nonexclusive Comcast Franchise Agreement between the Town of Frederick and Comcast** The Board is requesting a representative of Comcast be present, the Board indicated negotiations are taking a lengthy period of time. Motion by Trustee Carey to table this agenda item until the April 13, 2010, Board meeting, the motion was then seconded by Trustee Wollack, motion carried unanimously.

**Approval of the March 9, 2010, Regular Board Meeting Minutes** Trustee Pfirsch requested the minutes be amended to reflect at Mayor/Trustee Reports; Trustee Pfirsch "... information will be provided about COMPACT. Motion by Trustee Pfirsch to amend the March 9, 2010, Regular Board Meeting Minutes, as mentioned above, Trustee Wollack seconded the motion and motion carried unanimously.

## **DISCUSSION AGENDA**

**IM 2010-005, Presentation of Concepts Jointly Designed by the Parks and Open Space Commission and the Arts Commission to Enhance the Area Around the "Spirit of the Wind" Kinetic Sculptures** Over the past several months, the Parks and Open Space Commission has worked with the Frederick Arts Commission discussing and creating potential enhancement concepts for the area in the immediate vicinity of the "Spirit of the Wind" kinetic art sculptures, which are located west of Centennial Park and visible from Colorado Boulevard. The Commissions provided three different landscaping designs for the Board of Trustees to review and possibly adopt one of the three. Each design was a little more detailed in features as well as cost; none of the three designs provided included lighting. Design "C" is what the Board recommended installing at the cost of \$25,000, lighting would be an additional \$25,000. There was discussion regarding which fund would pay for the landscaping; the Board would like the Town Attorney to review the Frederick Municipal Code and determine which Commission is responsible for which cost. Mayor Pro Tem Wedel would like information regarding what monies can be spent on which type of product.

## **MAYOR AND BOARD REPORTS**

**Trustee Carey** thanked Trustee Hattel and Wollack for their work on the Board, Trustee Carey enjoyed working with them. Trustee Carey also requested that additional information regarding water storage at Milavec Lake be discussed at a future work session.

**Trustee Hattel** indicated she had a wonderful time serving the community by being a Trustee for the Town of Frederick. Trustee Hattel also indicated Frederick Recreation Area is looking wonderful and is something the citizens of Frederick should be proud of.

**Trustee Pfirsch** had nothing new to report.

**Trustee Schiers** had nothing new to report.

**Trustee Wedel** thanked Trustees Hattel, Carey and Wollack for their commitment to serving on the Board of Trustees for the Town of Frederick. Trustee Wedel also made mention about unfunded requests be presented in a way, that the Board can look at a funding source for the proposed project(s).

**Trustee Wollack** discussed the continuation of the Employee Pay Plan, merit increases and United Power negotiations.

**Mayor Doering** thanked Trustee Wollack, Carey and Hattel for service on the Town Board, made mention of the CML Mayor's essay contest, candidate's forum and the upcoming election. Mayor Doering also indicated the next NISP information event will be held at Anderson Farms, which is located in Frederick.

There being no further discussion, Mayor Doering closed the regular meeting at 9:17p.m.

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Nanette S. Fornof, Town Clerk

Approved by the Board of Trustees

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Eric E. Doering, Mayor